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By: **Delegates Bozman, Conway, and McClenahan**

Introduced and read first time: February 19, 2001

Assigned to: Rules and Executive Nominations

Re-referred to: Ways and Means, March 1, 2001

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Worcester County - Board of Education - Election of Members**

3 FOR the purpose of providing that members to the Worcester County Board of  
4 Education shall be elected; establishing a procedure for the election of members  
5 to the Worcester County Board of Education; providing for the termination of  
6 the incumbent appointed members holding office on a certain date under certain  
7 circumstances; establishing a certain term of office for elected members;  
8 providing for the removal of members under certain circumstances; providing  
9 for certain student nonvoting members; providing a procedure for filling a  
10 vacancy on the County Board; providing for the election of the president and vice  
11 president of the County Board; providing for the compensation of the members  
12 of the County Board; requiring the County Board to meet at certain intervals;  
13 altering the number of members on the County Board, subject to a certain  
14 contingency; providing for the construction of this Act; making certain portions  
15 of this Act subject to certain contingencies; and generally relating to the election  
16 of members to the Worcester County Board of Education.

17 BY repealing and reenacting, with amendments,  
18 Article - Education  
19 Section 3-105(e) and 3-114(a)  
20 Annotated Code of Maryland  
21 (1999 Replacement Volume and 2000 Supplement)

22 BY adding to  
23 Article - Education  
24 Section 3-1401 through 3-1405 to be under the new subtitle "Subtitle 14.

1 Worcester County"  
2 Annotated Code of Maryland  
3 (1999 Replacement Volume and 2000 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Education**

7 3-105.

8 (e) The Worcester County Board consists of seven [members and includes the  
9 five members serving on July 1, 1974 and the two additional members appointed on  
10 July 1, 1974. One of the additional members serves for a term of 4 years and the other  
11 for a term of 5 years and, at the expiration of these terms, they or their successors  
12 serve for a term of 5 years each] VOTING MEMBERS AND ONE NONVOTING STUDENT  
13 MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE COUNTY.

14 3-114.

15 (a) In the following counties, the members of the county board shall be elected:

- 16 (1) Allegany;
- 17 (2) Calvert;
- 18 (3) Carroll;
- 19 (4) Charles;
- 20 (5) Frederick;
- 21 (6) Garrett;
- 22 (7) Howard;
- 23 (8) Kent;
- 24 (9) Prince George's;
- 25 (10) Montgomery;
- 26 (11) St. Mary's;
- 27 (12) Somerset; [and]
- 28 (13) Washington; AND
- 29 (14) WORCESTER.

## SUBTITLE 14. WORCESTER COUNTY.

1 3-1401.

2  
3 (A) THE WORCESTER COUNTY BOARD CONSISTS OF SEVEN VOTING MEMBERS  
4 AND ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE  
5 COUNTY.

6 (B) (1) THE SEVEN VOTING MEMBERS OF THE WORCESTER COUNTY BOARD  
7 SHALL BE ELECTED AT A GENERAL ELECTION.

8 (2) MEMBERS OF THE WORCESTER COUNTY BOARD SHALL BE ELECTED  
9 IN ACCORDANCE WITH ARTICLE 33, TITLE 8, SUBTITLE 8 OF THE CODE.

10 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A  
11 RESIDENT OF THE DISTRICT.

12 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO  
13 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE  
14 COUNTY BOARD.

15 (D) OF THE SEVEN VOTING MEMBERS OF THE COUNTY BOARD, ONE SHALL BE  
16 ELECTED FROM EACH OF THE SEVEN COUNTY COMMISSIONER DISTRICTS.

17 (E) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE JANUARY  
18 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED AND  
19 QUALIFIES.

20 (F) (1) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
21 COMMISSIONER DISTRICTS 1, 4, 6, AND 7 AT THE NOVEMBER 2002 GENERAL  
22 ELECTION.

23 (2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
24 COMMISSIONER DISTRICTS 2, 3, AND 5 AT THE NOVEMBER 2004 GENERAL ELECTION.

25 (G) (1) THE COUNTY COMMISSIONERS SHALL APPOINT A NEW MEMBER TO  
26 FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM  
27 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

28 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY  
29 APPLY TO THE COUNTY COMMISSIONERS TO FILL THE VACANCY.

30 (3) THE COUNTY COMMISSIONERS SHALL ADOPT RULES FOR THE  
31 APPLICATION PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

32 (H) (1) EACH STUDENT MEMBER SHALL:

33 (I) BE A 12TH GRADE STUDENT IN THE WORCESTER COUNTY  
34 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC  
35 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES  
36 ESTABLISHED BY THE SCHOOL SYSTEM;

1 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
2 ELECTION OF THE MEMBER;

3 (III) BE A NONVOTING MEMBER; AND

4 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

5 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
6 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN  
7 EXECUTIVE SESSION.

8 3-1402.

9 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR  
10 ANY OF THE FOLLOWING REASONS:

11 (1) IMMORALITY;

12 (2) MISCONDUCT IN OFFICE;

13 (3) INCOMPETENCY;

14 (4) WILLFUL NEGLECT OF DUTY; OR

15 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

16 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD  
17 IN ANY 1 CALENDAR YEAR; OR

18 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

19 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE  
20 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
21 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

22 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

23 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A  
24 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE  
25 MEMBER A NOTICE OF THE HEARING; AND

26 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
27 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,  
28 OR BY COUNSEL.

29 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE  
30 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WORCESTER COUNTY.

1 3-1403.

2 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE  
3 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG  
4 ITS MEMBERS.

5 3-1404.

6 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE MEMBERS SHALL  
7 RECEIVE COMPENSATION AS SET BY THE COUNTY COMMISSIONERS.

8 (B) (1) THE SALARY OF EACH MEMBER OF THE COUNTY BOARD SHALL BE  
9 AT LEAST \$3,200.

10 (2) THE SALARY OF THE PRESIDENT OF THE COUNTY BOARD SHALL BE  
11 AT LEAST \$3,600.

12 3-1405.

13 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

14 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS  
15 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC  
16 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE  
17 PUBLIC.

18 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN  
19 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
21 read as follows:

22

#### **Article - Education**

23 3-105.

24 (e) The Worcester County Board consists of [seven members and includes the  
25 five members serving on July 1, 1974 and the two additional members appointed on  
26 July 1, 1974. One of the additional members serves for a term of 4 years and the other  
27 for a term of 5 years and, at the expiration of these terms, they or their successors  
28 serve for a term of 5 years each] FIVE VOTING MEMBERS AND ONE NONVOTING  
29 STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE COUNTY.

30 3-114.

31 (a) In the following counties, the members of the county board shall be elected:

32 (1) Allegany;

33 (2) Calvert;

- 1 (3) Carroll;
- 2 (4) Charles;
- 3 (5) Frederick;
- 4 (6) Garrett;
- 5 (7) Howard;
- 6 (8) Kent;
- 7 (9) Prince George's;
- 8 (10) Montgomery;
- 9 (11) St. Mary's;
- 10 (12) Somerset; [and]
- 11 (13) Washington; AND
- 12 (14) WORCESTER.

13 SUBTITLE 14. WORCESTER COUNTY.

14 3-1401.

15 (A) THE WORCESTER COUNTY BOARD CONSISTS OF FIVE VOTING MEMBERS  
16 AND ONE NONVOTING STUDENT MEMBER FROM EACH PUBLIC HIGH SCHOOL IN THE  
17 COUNTY.

18 (B) (1) THE FIVE VOTING MEMBERS OF THE WORCESTER COUNTY BOARD  
19 SHALL BE ELECTED AT A GENERAL ELECTION.

20 (2) THE TERMS OF THE MEMBERS SHALL BE STAGGERED AS PROVIDED  
21 IN SUBSECTION (E) OF THIS SECTION.

22 (3) MEMBERS OF THE WORCESTER COUNTY BOARD SHALL BE ELECTED  
23 IN ACCORDANCE WITH ARTICLE 33, TITLE 8, SUBTITLE 8 OF THE CODE.

24 (C) (1) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT SHALL BE A  
25 RESIDENT OF THE DISTRICT.

26 (2) A MEMBER FROM A COUNTY COMMISSIONER DISTRICT WHO NO  
27 LONGER RESIDES IN THE DISTRICT MAY NOT CONTINUE AS A MEMBER OF THE  
28 COUNTY BOARD.

29 (D) OF THE FIVE VOTING MEMBERS OF THE COUNTY BOARD, ONE SHALL BE  
30 ELECTED FROM EACH OF THE FIVE COUNTY COMMISSIONER DISTRICTS.

1 (E) (1) A MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE  
2 JANUARY 1 AFTER THE MEMBER'S ELECTION AND UNTIL A SUCCESSOR IS ELECTED  
3 AND QUALIFIES.

4 (2) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
5 COMMISSIONER DISTRICTS 1 AND 4 AT THE NOVEMBER 2002 GENERAL ELECTION.

6 (3) ONE MEMBER SHALL BE ELECTED FROM EACH OF THE COUNTY  
7 COMMISSIONER DISTRICTS 2, 3, AND 5 AT THE NOVEMBER 2004 GENERAL ELECTION.

8 (F) (1) THE COUNTY COMMISSIONERS SHALL APPOINT A NEW MEMBER TO  
9 FILL ANY VACANCY ON THE COUNTY BOARD FOR THE REMAINDER OF THAT TERM  
10 AND UNTIL A SUCCESSOR IS ELECTED AND QUALIFIES.

11 (2) A RESIDENT OF THE DISTRICT IN WHICH A VACANCY EXISTS MAY  
12 APPLY TO THE COUNTY COMMISSIONERS TO FILL THE VACANCY.

13 (3) THE COUNTY COMMISSIONERS SHALL ADOPT RULES FOR THE  
14 APPLICATION PROCEDURE TO FILL A VACANCY ON THE COUNTY BOARD.

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17 PUBLIC SCHOOL SYSTEM ELECTED BY THE HIGH SCHOOL STUDENTS OF THE PUBLIC  
18 SCHOOL WHICH THE STUDENT ATTENDS, IN ACCORDANCE WITH PROCEDURES  
19 ESTABLISHED BY THE SCHOOL SYSTEM;

20 (II) SERVE FOR 1 YEAR BEGINNING ON JULY 1 AFTER THE  
21 ELECTION OF THE MEMBER;

22 (III) BE A NONVOTING MEMBER; AND

23 (IV) ADVISE THE BOARD ON THE INTERESTS OF STUDENTS.

24 (2) UNLESS INVITED TO ATTEND BY AN AFFIRMATIVE VOTE OF A  
25 MAJORITY OF THE COUNTY BOARD, THE STUDENT MEMBERS MAY NOT ATTEND AN  
26 EXECUTIVE SESSION.

27 3-1402.

28 (A) THE STATE BOARD MAY REMOVE A MEMBER OF THE COUNTY BOARD FOR  
29 ANY OF THE FOLLOWING REASONS:

30 (1) IMMORALITY;

31 (2) MISCONDUCT IN OFFICE;

32 (3) INCOMPETENCY;

33 (4) WILLFUL NEGLECT OF DUTY; OR

1 (5) FAILURE TO ATTEND, WITHOUT GOOD CAUSE:

2 (I) AT LEAST 75% OF THE SCHEDULED MEETINGS OF THE BOARD  
3 IN ANY 1 CALENDAR YEAR; OR

4 (II) THREE CONSECUTIVE SCHEDULED MEETINGS OF THE BOARD.

5 (B) BEFORE REMOVING A MEMBER, THE STATE BOARD SHALL SEND THE  
6 MEMBER A COPY OF THE CHARGES AGAINST THE MEMBER AND GIVE THE MEMBER  
7 AN OPPORTUNITY WITHIN 10 DAYS TO REQUEST A HEARING.

8 (C) IF THE MEMBER REQUESTS A HEARING WITHIN THE 10-DAY PERIOD:

9 (1) THE STATE BOARD SHALL PROMPTLY HOLD A HEARING, BUT A  
10 HEARING MAY NOT BE SET WITHIN 10 DAYS AFTER THE STATE BOARD SENDS THE  
11 MEMBER A NOTICE OF THE HEARING; AND

12 (2) THE MEMBER SHALL HAVE AN OPPORTUNITY TO BE HEARD  
13 PUBLICLY BEFORE THE STATE BOARD IN THE MEMBER'S OWN DEFENSE, IN PERSON,  
14 OR BY COUNSEL.

15 (D) A MEMBER REMOVED UNDER THIS SECTION HAS THE RIGHT TO A DE  
16 NOVO REVIEW OF THE REMOVAL BY THE CIRCUIT COURT FOR WORCESTER COUNTY.  
17 3-1403.

18 AT ITS FIRST MEETING AT THE BEGINNING OF EACH CALENDAR YEAR, THE  
19 COUNTY BOARD SHALL ELECT A PRESIDENT AND A VICE PRESIDENT FROM AMONG  
20 ITS MEMBERS.

21 3-1404.

22 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE MEMBERS SHALL  
23 RECEIVE COMPENSATION AS SET BY THE COUNTY COMMISSIONERS.

24 (B) (1) THE SALARY OF EACH MEMBER OF THE COUNTY BOARD SHALL BE  
25 AT LEAST \$3,200.

26 (2) THE SALARY OF THE PRESIDENT OF THE COUNTY BOARD SHALL BE  
27 AT LEAST \$3,600.

28 3-1405.

29 (A) THE COUNTY BOARD SHALL MEET AT LEAST ONCE EACH MONTH.

30 (B) EXCEPT FOR THOSE ACTIONS AUTHORIZED BY SUBSECTION (C) OF THIS  
31 SECTION, ALL ACTIONS OF THE COUNTY BOARD SHALL BE TAKEN AT A PUBLIC  
32 MEETING AND A RECORD OF THE MEETING AND ALL ACTIONS SHALL BE MADE  
33 PUBLIC.

1 (C) THE COUNTY BOARD MAY TAKE ACTIONS IN EXECUTIVE SESSION IN  
2 ACCORDANCE WITH § 10-508 OF THE STATE GOVERNMENT ARTICLE.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the  
4 appointed members of the Worcester County Board of Education serving on June 30,  
5 2001 shall terminate as follows:

6 (a) The terms of appointed members which were scheduled to expire on June  
7 30, 2003 shall terminate at the end of December 31, 2002; and

8 (b) The term of the appointed member which was scheduled to expire on June  
9 30, 2005 shall terminate at the end of December 31, 2004.

10 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the  
11 appointed members of the Worcester County Board of Education serving on June 30,  
12 2001 shall terminate as follows:

13 (a) The two offices in which the terms of the incumbent appointed members  
14 expire prior to November 1, 2002 shall terminate upon the expiration of the terms;

15 (b) The terms of appointed members which were scheduled to expire on June  
16 30, 2003 shall terminate at the end of December 31, 2002; and

17 (c) The term of the appointed member which was scheduled to expire on June  
18 30, 2005 shall terminate at the end of December 31, 2004.

19 SECTION 5. AND BE IT FURTHER ENACTED, That, except as expressly  
20 provided in this Act, this Act may not be construed to affect the terms of the appointed  
21 members of the Worcester County Board of Education.

22 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 1 and 3 of this  
23 Act shall take effect July 1, 2001, contingent on the taking effect of a redistricting  
24 plan for the Worcester County Commissioner districts that provides for seven county  
25 commissioner districts. If a redistricting plan for the seven commissioner districts for  
26 Worcester County takes effect after July 1, 2001, but before the filing deadline for  
27 candidates to file for election as Worcester County Commissioners in the November  
28 2002 general election, Sections 1 and 3 shall take effect on the date that the  
29 redistricting plan takes effect. If a redistricting plan for the seven commissioner  
30 districts for Worcester County Commissioners does not take effect by the filing  
31 deadline for candidates to file for election as Worcester County Commissioners in the  
32 November 2002 general election, Sections 1 and 3 of this Act shall be null and void  
33 without the necessity of further action by the General Assembly. On or before the  
34 filing deadline for candidates to file for election as Worcester County Commissioners  
35 in the November 2002 general election, the Worcester County Commissioners shall  
36 certify to the Department of Legislative Services whether a redistricting plan for the  
37 Worcester County Commissioner districts that provides for seven commissioner  
38 districts took effect before the filing deadline, and, if so, on what date the redistricting  
39 plan took effect.

1 SECTION 7. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this  
2 Act shall take effect on the failure of Sections 1 and 3 to take effect as provided in  
3 Section 6 of this Act. If Sections 1 and 3 of this Act take effect, Sections 2 and 4 of this  
4 Act shall be null and void without the necessity of further action by the General  
5 Assembly.

6 SECTION 8. AND BE IT FURTHER ENACTED, That, except as provided in  
7 Sections 6 and 7 of this Act, this Act shall take effect July 1, 2001.